

**U.S. Department of Housing and Development
Equal Employment Opportunity Data Posted Pursuant to the No Fear Act
for the Period 10/1/1999 through 9/30/2000**

Background

Pursuant to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (the No Fear Act), Pub. L. 107-174, HUD is posting statistical data pertaining to complaints of employment discrimination filed by employees, former employees, and applicants for employment under 29 CFR Part 1614.

EEO Complaint Filings

During the period 10/1/1999 through 9/30/2000, 108 formal complaints were filed by 101 individuals. Of the individuals filing complaints during the period, 7 complainants filed two or more complaints.

The following counts of complaints were alleged by basis in the complaints filed during the period (please note that the total of complaints filed by bases may be larger than the total of complaints filed because complainants may file complaints under multiple bases):

- Race (75 complaints filed)
- Color (0 complaints filed)
- Religion (5 complaints filed)
- National Origin (11 complaints filed)
- Sex (38 complaints filed)
- Disability (27 complaints filed)
- Age (36 complaints filed)
- Retaliation (45 complaints filed)
- Non-EEO Basis (0 complaints filed)

The following counts of complaints were alleged by issue in the complaints filed during the period (please note that the total of complaints filed by issue may be larger than the total of complaints filed because complainants may file complaints under multiple issue categories):

- Appointment/Hire (0 complaints filed)
- Assignment of Duties (7 complaints filed)
- Awards (0 complaints filed)
- Conversion to Full-Time (0 complaints filed)
- Demotion (0 complaints filed)
- Reprimand (2 complaints filed)
- Suspension (0 complaints filed)
- Removal (0 complaints filed)
- Disciplinary Action-Other (0 complaints filed)
- Duty Hours (0 complaints filed)
- Evaluation/Appraisal (9 complaints filed)
- Examination/Test (0 complaints filed)
- Harassment (Non-Sexual) (8 complaints filed)

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Harassment (Sexual) (0 complaints filed)
Medical Examination (0 complaints filed)
Pay Including Overtime (1 complaint filed)
Promotion/Non-Selection (41 complaints filed)
Reassignment Denied (0 complaints filed)
Reassignment Directed (3 complaints filed)
Reasonable Accommodations (5 complaints filed)
Reinstatement (0 complaints filed)
Retirement (0 complaints filed)
Termination (1 complaint filed)
Terms/Conditions of Employment (5 complaints filed)
Time & Attendance (2 complaints filed)
Training (6 complaints filed)
Other (2 complaints filed)

**Average Processing Days in the EEO Complaint Processing Steps Completed
During the Period**

Agencies are required to report the average number of processing days for two stages in the complaint process: the Investigation stage and the Final Decision stage. The EEOC will report on the average length of days in the EEOC Hearing stage and the EEOC Appeals stage.

The Investigation stage spans from the date of initial filing of the complaint by the complainant through the date the complainant is sent the Report of Investigation and the Notice of Right to a Hearing Before an EEOC Administrative Judge (AJ) or a Final Decision Without an EEOC AJ Hearing. The complaint filing date may be adjusted for reporting purposes in two cases: the filing of an amended complaint and the remanding of the complaint by the EEOC for investigation of complaint claims that were previously dismissed by the agency. Amended complaints occur when complainants request that their complaint(s) be amended to reflect additional claims. In this case, the number of processing days will begin with the date the complainant requested the amendment and end when the complainant is furnished the Notice of Right to an EEOC AJ Hearing concerning the total complaint (original and amended claims). In the case of remanded complaints the initial filing date is adjusted to reflect the date the EEOC notified the agency of the required remand and extend until the agency's Notice of Right to an EEOC AJ Hearing on the remanded claim(s).

The EEOC has directed that agencies shall report the number of days until the issuance of a Final Decision by counting the days from the initial filing (or amendment/remand) until the date the agency issues the Final Decision less the number of days the complaint was in the EEOC AJ Hearing stage. The No Fear Act requires that reporting be separated into two categories: complaints where the complainant requested an EEOC AJ Hearing

and complaints where the complainant requested a Final Decision without an EEOC AJ Hearing. Further, the EEOC requires that agencies report on processing days separately
Last updated: 4/23/2004 Page 2 of 3

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for complaints where all claims are dismissed by agencies under rules established in 29 CFR Part 1614. Average 381 days for dismissals.

During the period 10/1/99 through 9/30/2000, 79 complaints completed the investigation stage for an average of 731 days in processing. A total of 75 Final Decisions were issued during the period. The average days to process the Final Agency Decision, when an EEOC AJ Hearing was elected, was 157. The average days to process, when a Final Decision was issued without an EEOC AJ Hearing, was 1178. There were 29 complaints where all claims were dismissed in accordance with procedures outlined in 29 CFR Part 1614, and the average days to process the dismissals was 369.

Final Decisions Involving a Finding of Discrimination

Under the No Fear Act, agencies are required to report on complaints where a Finding of Discrimination was made during the reporting period. The EEOC has defined a Finding of Discrimination as a Final Decision without an EEOC AJ Hearing decision where discrimination was found to have occurred or a Finding of Discrimination by an EEOC AJ either summarily or as a result of an EEOC AJ Hearing. These findings may or may not be upheld by the EEOC on an appeal or by a Federal Court. Findings of Discrimination must be reported separately for agency decisions as a result of a decision without a hearing or with a hearing. Further, agencies are required to report Findings of Discrimination by bases (i.e. Race, Color, Religion, Sex, etc.) and by issues (i.e. Appointment/Hire, Assignment of Duties, Awards, etc.). Bases and issues refer to the actual Finding of Discrimination and not the total of the original or amended claims filed by the complainant. In other words, a complainant may file a claim based on race, sex, and disability concerning Promotion/Non-Selection, Training, and Assignment of Duties; yet, in the Finding of Discrimination the agency may have discriminated based on Race in Promotion/Non-Selection - the other bases and issues claims may not have been upheld. In this case, the statistics will reflect a finding of Race (basis) discrimination in Promotion/Non Selection (issue).

There was 1 Finding of Discrimination during the period 10/1/1999 through 9/30/2000 as a result of an EEOC AJ Hearing decision. The case was closed after 1,825 days.

Pending EEO Complaints

Of the 270 complaints (filed by 262 individuals) pending as of the end of the reporting period, 162 were filed prior to the beginning of the reporting period. The number of complaints pending at the end of the reporting period in the Investigation stage was 84. The number of complaints pending at the end of the reporting period in the Final Decision stage was 52.

Of the 270 complaints pending as of the ending date of this reporting period, 79 completed the Investigation stage and 53 were completed in more than 180 days. Of the 84 complaints pending in the Investigation stage at the end of the period, 51 have exceeded 180 days.